

BRIEF DESCRIPTION TO IDENTIFY  
VARIOUS P. L. AND H. R. NUMBERS

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P.L. 110                      CIA Act of 1949

P.L. 724                      Foreign Service Act of 1946

P.L. 22                        Foreign Service Act Amendments  
Approved 5 April 1955

P.L. 233                      Annual and Sick Leave Act of 1951

P.L. 413                      Armed Services Procurement Act of 1947,  
as amended.

P.L. 133                      State Department Appropriation Act  
for Fiscal Year 1956

H.R. 3819                    Introduced by Mr. Corbett 8 February  
1955. To be cited as "Overseas Allowance  
Act of 1955".

H.R. 3820                    Introduced by Mr. Corbett 8 February  
1955. To amend the Annual and Sick  
Leave Act of 1951.

H.R. 7089                    Introduced 14 July 1955. To be  
known as "Servicemen's and Veterans'  
Survivor Benefits Act".

H.R. 7049                    Introduced 2 August 1955. Complete  
Recodification of Titles 10 and 32  
of the U.S.C.

Foreign Employees Personnel  
Act                            This is a proposed administration bill  
which is presently circulating for  
comment. The purpose of the bill is to  
create general authorities relating to  
the administration of employees hired  
locally in overseas areas.

1954 Revenue Code            Basic revision and recodification of  
Internal Revenue laws.

S. 2875                      Introduced by Senator Johnston, 9 January  
1956. To amend the Civil Service Retirement  
Act of 1930, as amended.

ANALYSIS OF  
PROPOSED CIA LEGISLATION FOR SUBMISSION  
IN 1956

SECTION 1.

Existing Law: The present language of Section 3(a) of P.L. 110 incorporates by reference specific sections and subsections of P.L. 413 of the Armed Services Procurement Act of 1947.

This Amendment: By this amended Section 3(a), the Agency is incorporating by reference a slightly different group of sections and subsections of P.L. 413. With respect to Section 3(b), the proposed language is substantially similar to authority available to Navy, Army and Air Force, in 5 U.S.C. 475(1), 5 U.S.C. 235(d) and 5 U.S.C. 628(d), respectively.

(Note: Section 3(b) of the Bill as amended brings up to date organizational titles since there is no longer an Executive. Subsections (c) and (d) of Section 3 of P.L. 110 are being deleted and substantially similar language in P.L. 413 is being adopted in Section 3(a) by incorporation by reference of Section 7 of P.L. 413.

SECTION 2.

Existing Law: The present language of P.L. 110 limits the travel allowance benefits of Section 5(a) to employees stationed in foreign areas.

This Amendment: By deleting the words "its territories and possessions" from Section 5(a) equal benefits are made available to employees stationed in territories and possessions.

costs are often as high or higher than in some foreign areas.

Other Proposed Laws: H.R. 3819 and H.R. 3820 will provide authorization for storage of effects and home leave travel benefits for Government employees stationed overseas, including those stationed in territories and possessions.

### SECTION 3.

Existing Law: At the present time Section 911 (4) of the Foreign Service Act and Section 5(a)(1)(D) of P.L. 110 are identical but the Foreign Service Act has, in effect, been liberalized by the Appropriation Act for the Department of State, P.L. 133, which deletes the requirement of emergency conditions being determined before storage costs may be allowed.

This Amendment: The requirement for determination of emergency conditions will be deleted, thus equating our authority with that of the Foreign Service. In addition, it will provide for storage when such storage would avoid the cost of transporting effects. This provision is the same as that in the proposed H.R. 3819.

### SECTION 4.

Existing Law: This authority is available to the Foreign Service under the terms of Section 11 of P.L. 22, which adds a new paragraph (9) to Section 911 of P.L. 724. This authority is not presently available to CIA as is the tuition allowance which was provided by Section 10(b) of P.L. 22, adding a Section 901(2) (iv) to P.L. 724. See Comp. Gen. Opinion B-125514 dated 16 November 1955.

This Amendment: Travel expenses in connection with the education of dependents equal to that authorized Foreign Service employees will be provided by this section.

Other Proposed Laws: Similar but less generous authority is set forth in slightly different language as Section 221(4)(11)(a) and (b) of H.R. 3819 which is known as the Proposed Overseas Allowance Act of 1955. As presently worded, H.R. 3819 would apply to all civilian employees of the U.S. Government including the Foreign Service. We understand that the Department of State will attempt to secure an exemption for the Foreign Service from this Act. If they succeed, we should push our own legislation. If the Foreign Service is not exempted, there is no real reason why we should pursue our legislation.

#### SECTION 5.

Existing Law: Various appropriation acts including P.L. 133, Section 104, for the Department of State authorize charging of expenses in connection with travel to the appropriation year when the travel or transportation begins. Section 5(a)(2) of P.L. 110 contains this authority but only with respect to a change of permanent station.

This Amendment: The proposed legislation would extend this authority to temporary duty travel as well since the reason underlying the original authority, i.e., ease of administration, is equally applicable to temporary duty travel.

Other Proposed Laws: S. 2569, Section 11, provides similar authority to the Department of State.

SECTION 6:

Existing Law: Section 933(a) of P.L. 724 authorizes the granting of leave in the United States or its territories and possessions upon the completion of two years overseas service for Foreign Service personnel. Similar authority is provided for CIA by Section 5(a)(3)(A) of P.L. 110.

*Also removes  
"evidence at  
time of employ-  
ment"*

This Amendment: The language is designed to bring up to date the home leave authority. If Section (7) of this Bill is enacted, there will be no need for the present proviso that the employee have accrued sufficient leave to carry him in a pay status while in the United States for at least a thirty day period. If the statutory leave section is not enacted this amendment will eliminate an inequity in that under existing leave laws, sufficient leave in many cases cannot be accumulated in a two year period since some employees are only entitled to 13 days per year. A further reason for amendment is that the cited provision of law, 5 U.S.C. 30, 30(a) and 30(b) have been repealed.

Other Proposed Laws: H.R. 3820

SECTION 7.

Existing Law: Sections 203(c)(d) and (f) of P.L. 233, 82nd Congress (Annual and Sick Leave Act of 1951).

This Amendment: The statutory home leave privilege provided for the Foreign Service in the Annual and Sick Leave Act of 1951 is extended to employees of this Agency. In addition, the amendment uses the phrase "and as it may hereafter be amended" in order to provide for the possibility of the passage of H.R. 3820 which provides statutory home leave for all Government employees who serve overseas.

Other Proposed Laws: H.R. 3820 would provide the statutory home leave privilege for all employees of Government including Foreign Service. It is to be noted that Section 5(a)(3)(C) of P.L. 110, provides for exclusion of waiting time "for transportation", whereas H.R. 3820 adopts the language of P.L. 233 excluding time "of awaiting sailing or flight". If H.R. 3820 passes and if the "sailing or flying" is changed to "transportation", there would be no reason why 5(a)(3)(C) of P.L. 110 could not be repealed since it would serve no purpose. In fact, if H.R. 3820 is passed, there will be no need for Section 7. of the proposed CIA legislation.

#### SECTION 8.

Existing Law: Section 5(a)(5)(A) of P.L. 110 and Section 942(a) of P.L. 724 which are identical. (Costs of travel for medical treatment)

This Amendment: The benefits of the existing law are extended to members of the family and the wording "medical facility" is used in lieu of "hospital or clinic".

Other Proposed Laws: The Department of State is seeking similar legislation. It is to be noted that there is no legislative precedent for extending benefits of this type to dependents of civilian employees.

SECTION 9.

Existing Law: Section 5(a)(5)(C) of P.L. 110 and Section 941 of P.L. 724 which are identical. (Costs of Medical treatment)

This Amendment: Benefits are extended to "members of family" and the words "medical facility" are used in lieu of "hospital or clinic".

Other Proposed Laws: State is also seeking this authority. As in Section (8), it is to be noted that there is no legislative precedent for extending benefits of this type to dependents of civilian employees.

SECTION 10.

Existing Law: 5(a)(5)(D) is similar to Section 943 of P.L. 724. However, Section 943 was recently amended by Section 12 of P.L. 22, and our proposed amendment would merely equate it to the recent amendments to P.L. 724. (To provide legal authority for physical examinations and inoculations of dependents)

SECTION 11.

Existing Law: 5(a)(5)(A) of P.L. 110 is the same as 942(a) of P.L. 924; (5)(C), 941; (5)(D), 943; (6), 911(8).

This Amendment: This new subsection simply results in making the benefits under the cited Sections of P.L. 110 equal to the equivalent Sections of P.L. 724. The original intent was that they be equivalent but in view of the fact that P.L. 110 restricted Section 5 benefits to persons permanently assigned abroad, whereas the Foreign Service sections are available simply to Foreign Service officers and employees without regard for temporary or permanent duty status, the existing CIA benefits are less.

SECTION 12.

(Note: The present wording of Section 5(b) of P.L. 110 incorporates by reference Section 901(1) and 901(2) of P.L. 724. In view of subsequent changes to those sections, the language is now spelled out and the following explanation will equate the specific sections:)

(1) Existing Law: 901(1) is identical except that the word "water" has been inserted in the proposed CIA section. This subsection authorizes what is known as the quarters



allowance and temporary lodging allowance. In addition, for the rest of Government, substantially same language is found in 5 U.S.C. 118(a) except that no provisions are made for the temporary lodging allowance.

Proposed Law: There are equivalent sections in H.R. 3819, Section 211(1) which grants the temporary lodging allowance and, in addition, grants a similar allowance one month prior to leaving a foreign post. Section 211 (2) authorizing the quarters allowance is identical but does include the word "water". Section 211(3) in addition authorizes initial repairs, alterations, and improvements to residence quarters. By its terms H.R. 3819 would repeal both the Foreign Service authority and the General Governmental authority.

(2)(A) Existing Law: The language proposed is identical to Section 901(2)(i) of P.L. 724. This is the basic authority for the cost-of-living allowance.

Proposed Law: Section 221(1) of H.R. 3819 proposes a similar authority in much simpler language and would repeal existing authority cited.

(2)(B) Existing Law: The language proposed is similar to Section 901(2)(ii) of P.L. 724 as amended by Section 10(a) of P.L. 22 which amendment authorized payment of transfer allowances in the U.S. The basic section sets forth the authority to pay what are known as transfer allowances.

Proposed Law: The language is identical to Section 221(2) of H.R. 3819, and would repeal existing authority cited.

(2)(C) Existing Law: Proposed language was identical to Section 901(2)(iii) of P.L. 724 except that CIA proposal uses "post" in lieu of "country". This is the basic authority for the so-called separation allowance.

Proposed Law: Section 221(3) of H.R. 3819 is identical except that it also uses "post" in lieu of "country" and in addition it authorizes the separation allowances for either the wife or minor dependents or both elsewhere than at the post of assignment. The present language of P.L. 724 speaks of wife and minor children in the conjunctive rather than in the alternative. H.R. 3819 would repeal existing authority.

(2)(D) Existing Law: Identical language is Section 901(2)(iv) of P.L. 724 having been added by Section 10(b) of P.L. 22. At the present time this education allowance provision is applicable to all Government agencies including CIA as a result of Section 203 of the General Government Matters Appropriation Act of 1956. See Comptroller General Opinion B-125514, 16 November 1955.

Proposed Law: Section 221(4)(1)(a) and (b) of H.R. 3819 would establish substantially similar allowances although the wording is such that the benefits could be slightly more liberal under this version. H.R. 3819 would repeal existing authority.

(3) Existing Law: Section 443 of P.L. 724 provides authority under Presidential regulations for post differentials to be established at certain posts having extraordinarily difficult living conditions or where excessive physical hardships prevail. Section 118(h) of Title 5 U.S.C.A. authorizes similar differentials with respect to areas outside the continental United States for Government personnel

other than Foreign Service.

Proposed Law: Section 261 with respect to foreign areas and Section 331 as to territorial areas found in H.R. 3819 would authorize payment of these differentials. By its terms, H.R. 3819 as written would repeal the existing authorities cited.

#### SECTION 13.

Existing Law: At the present time Section 912 of Title 26 U.S.C.A. authorizes exclusion of quarters and cost-of-living allowances, but not post differentials, from gross income. Section 912(1) deals specifically with allowances paid to Government civilian personnel stationed abroad as cost-of-living and post allowances. Section 912(2) deals with allowances received by personnel of the Foreign Service under Sections 901(1) and (2) of P.L. 724.

This Amendment: If the proposed overall bill for CIA is passed by Congress and if H.R. 3819 is passed excluding CIA from its provisions, we would need this proposed Section 13 which adds a new Section 5(e) to P.L. 110 in order to receive the tax benefits which other Government employees would be entitled to receive with respect to allowances.)

Other Proposed Laws: H.R. 3819 in Section 123 amends 912(1) of Title 26 to provide for exclusion from taxable income of the allowances (but not post differentials) received under the provisions of H.R. 3819.

#### SECTION 14.

Existing Law: There is authority for a death gratuity of six months' pay for members of the military.

This Amendment: A death gratuity for CIA employees will be provided on the grounds that security considerations peculiar to this Agency make such payment desirable.

Other Proposed Laws: H.R. 7089 was used as a model in drafting the proposed law for CIA. Where possible the proposed CIA sections will be equated to sections of H.R. 7089.

(d)(1). The first sentence is similar to H.R. 7089, Section 201(a). The second sentence is inserted to make clear the purpose that this shall override exclusiveness of other laws providing for death benefits. The language in the first sentence avoids possible questions as to the mandatory requirement to pay these amounts and strengthens the Director's authority to exclude by regulation certain classes of covert personnel and, in addition, authorizes such payments from available appropriations.

(d)(2)(A). Similar to 301(c)(1).

(d)(3). Equivalent to 301(d).

(d)(4). Equivalent to Section 210.

(d)(5)(A). Equivalent to Section 304(b).

(d)(5)(B). This is equivalent to Section 304(e).

(d)(5)(C). Somewhat similar language is used in H.R. 7049 but is much more limited in scope.

#### SECTION 15.

Existing Law: P.L. 110, Section 6 (f).

This Amendment: After careful study it has been determined that increasing the number of retired officers who may be employed from 15 to 35 will be in the interest of the Government.

#### SECTION 16.

Existing Law: There are numerous exceptions to Section 3648 of the revised statutes which prohibits advances of public money and, specifically, the Department of State has secured exception in its current Appropriation Act, P.L. 103-122, approved July 2, 1990.

This Amendment: Exceptions are provided to the prohibition in Section 3648 of the revised statutes in order to meet problems in certain foreign countries.

Other Proposed Laws: Similar exceptions are provided in proposed H.R. 3819 and S. 2569.

SECTION 17.

Existing Law: Foreign Service Retirement Act; Civil Service Retirement Act and parts of the latter applicable to investigatory personnel.

This Amendment: The proposed amendments here are to the existing Civil Service Retirement Act. There is no exact precedent for the purposes to be accomplished by these amendments. As to general precedent, there are the retirement provisions of P.L. 724 which permit retirement at age 50 with twenty years' service and computation of the annuity at 2% of annual average salary for five years preceding the date of retirement multiplied by the number of years in service. In a somewhat similar manner, 5 U.S.C. 691(d) authorizes certain investigatory personnel to retire at age 50 with at least twenty years of service and to compute their annuities on the basis of 2% of the annual average salary for any five consecutive years of service multiplied by the number of years of service. In the event a CIA employee spent his entire period of service abroad, he would approximately equal the retirement benefits for Foreign Service and investigatory personnel.

Other Proposed Laws: S. 2875 (Senator Johnston's bill) and an Administration Bill will liberalize retirement provisions for General Government.

SECTION 18.

This is simply correcting a typographical error in P.L. 110 as originally enacted.